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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,145	09/09/2003	David Alexander	IMMR-IMD0002D (034701-005)	1899
60140	7590	11/27/2007	EXAMINER	
IMMERSION -THELEN REID BROWN RAYSMAN & STEINER LLP			MUSSELMAN, TIMOTHY A	
P.O. BOX 640640			ART UNIT	PAPER NUMBER
SAN JOSE, CA 95164-0640			3714	
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			11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,145

Applicant(s)

ALEXANDER ET AL.

Examiner

Timothy Musselman

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-20, 34, 35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 34-38 is/are allowed.
- 6) ☒ Claim(s) 12, 13, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Status of Claims

In response to the communication filed 9/10/2007, claims 12-20, 34-35, and 37-38 are pending in this application. Claims 1-11, 21-33, 36, and 39-44 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claims 12-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey (US 5,800,179) in view of Kaempen (US 4,775,563).

Regarding claims 12, 13, and 17, Bailey discloses a capture mechanism configured to engage a peripheral device, and a sensing assembly to detect movement of the peripheral device while engaged. See col. 5: 25-35. Bailey fails to disclose any details pertaining to the clamping apparatus. However, Kaempen discloses a quick connect device that comprises an actuator which is urged against the grasping member to maintain the grasping member in an open position. See figures 4-7, which graphically illustrate the insertion of a peripheral device (30) into a tubular clamping mechanism (claim 13). Note that although the actuator is located on the peripheral device (20B), it is still a working part of the capture mechanism. Upon insertion, fig. 6

illustrates how the actuator urges the device open, until the actuator is pushed through the clamping apparatus (72), and the jaws (**claim 17**) thus close around the peripheral device, locking it into place. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize this type of clamping mechanism in the system of Bailey in order to allow for the quick connection of various surgical tools.

Regarding claim 16, Bailey further discloses wherein the capture mechanism is disposed within the sensing assembly. See col. 5: 30-37.

Allowable Subject Matter

Claims 14 and 15 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art teaches of a tubular member for grasping the peripheral device, they do not include an actuator that elongates and compresses the tubular grasping member by use of a spring to expand or constrict (grasp or release) the grasping mechanism to grasp the peripheral device.

Claim 18 is indicated as allowable. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art teaches of engaging a peripheral device configured as a medical instrument within a sensing assembly in a medical trainer, there is no teaching wherein the capture mechanism comprises a plurality of jaws that are expanded by a conical expander to allow for insertion of the peripheral device, and wherein a spring biases the conical expander to maintain capture mechanism in a closed position, so that when the expander is actuated, the jaws close and grasp the peripheral device.

Claim 19 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter.

Although the prior art discloses a quick capture mechanism comprising the insertion of a peripheral object into a grasping mechanism comprising a plurality of jaws, there is no teaching wherein such a device also includes a automatic quick release mechanism.

Claim 20 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

Although the prior art teaches of a plurality of a capture mechanism with a plurality jaws, there is no teaching wherein the plurality of jaws of jaws are actuated by a force applied by a lever associated with the movement of the peripheral device.

Claims 34 is indicated as allowable. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art teaches of a clamping mechanism that engages and releases a peripheral device based on a first and second movement of the peripheral device, there is no teaching wherein such a clamping structure comprising a plurality of jaws *releases* said peripheral device based on a *second movement* of the peripheral device, as per claim 36, and there is no teaching wherein said plurality of jaws is *automatically* operated by a lever (claims 37-38).

Claims 35 and 37-38 are indicated as allowable at least because they depend from an allowable base claim.

Response to Arguments

Applicant's arguments dated 9/10/2007 have been fully considered but are moot in view of the new grounds of rejection. However, some issues raised by applicant still apply to the new art, and will be addressed. Particularly, applicant argues that the tool shank of Fritsch urges the clamp open by use of a conical surface until the clamp snaps into place. The same scenario applies to the new art of Kaempen as well. In either case, examiner contends that the conical surface on the peripheral device *is* the actuator, and as such is a part of the overall capture mechanism, although not attached thereto. Thus, in the case of Kaempen in particular, the actuator is urged against the jaws, maintaining them in an open position, until the conical surface (actuator) is pushed through the clamping device, allowing the jaws to close around the peripheral device. See figs. 4-8. Since applicant has not claimed the actuator as independent of the peripheral device, or as mechanically attached to the grasping member, examiner believes this interpretation to be consistent with claim 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Musselman whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TM



Robert Pezzuto
Supervisory Primary Examiner
Art Unit 3714